

Notice of Allowability

Application No.

09/925,742

Examiner

Manav Seth

Applicant(s)

HAMAGUCHI, TAKAYUKI

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/10/2004.
2. ☒ The allowed claim(s) is/are 1-15.
3. ☒ The drawings filed on 08/10/2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Response to Amendment

1. The Amendment filed 10 November 2004 has been entered in full.
2. The amendment to the title has been entered in full and is persuasive.
3. The amendment to the claims has been entered in full and is persuasive. The objections on the objected claims have been withdrawn in view of the amendments to the respective claims.

Response to Arguments

4. Applicant's arguments, see pages 10-13 of the Amendment filed 10 November 2004, with respect to the claims, have been fully considered and are persuasive. Based on the applicant's arguments, 35 USC 103 rejection, on the respective claims has been withdrawn.

Allowable Subject Matter

Reasons for Allowance:

5. **Claims 1 - 15** are allowed.
6. The following is an examiner's statement of reasons for allowance:

The reasons for allowance should be evident from the applicant's arguments recited in pages 10-13 of the Amendment filed 10 November 2004. The instant invention relates to a method and an apparatus for generating three-dimensional data by detecting corresponding points of two two-dimensional images whose contents are similar to each other such as two

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two-dimensional images captured stereographically with respect to an object using a gradient method or correlation method. As clearly admitted by the applicant in the applicant's admitted prior art (AAPA), both correlation method and gradient method are very well known in the art. The only specific part of invention that is different from the AAPA is that the system resides two detectors, which on selecting any one detector by the selector, can perform specifically any one of the gradient method or correlation method, to generate a three-dimensional image of the object. The AAPA along with the prior art of record does not teach the limitations:

(a) "a first detector for detecting corresponding points of the images by a gradient method; a second detector for detecting corresponding points of the images by a correlation method; a selector for selecting either one of the first detector or the second detector" as recited in claim 1 and similarly in claims 9 and 11.

Therefore, claims 1, 9, and 11 are allowed and all other claims depending on claims 1, 9 and 11 are allowable at least by dependency on claims 1, 9 and 11.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

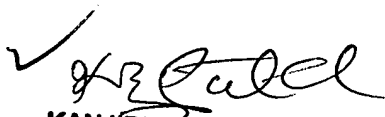
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Manav Seth whose telephone number is (571) 272-7456. The examiner can normally be reached on Monday to Friday from 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta, can be reached on (571) 272-7453. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Manav Seth
Art Unit 2625
August 9, 2005


KANJI BHAI PATEL
PRIMARY EXAMINER